

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the Racism-Free
5 Schools Law.

6 Section 5. The Freedom of Information Act is amended by
7 changing Section 7.5 as follows:

8 (5 ILCS 140/7.5)

9 Sec. 7.5. Statutory exemptions. To the extent provided for
10 by the statutes referenced below, the following shall be
11 exempt from inspection and copying:

12 (a) All information determined to be confidential
13 under Section 4002 of the Technology Advancement and
14 Development Act.

15 (b) Library circulation and order records identifying
16 library users with specific materials under the Library
17 Records Confidentiality Act.

18 (c) Applications, related documents, and medical
19 records received by the Experimental Organ Transplantation
20 Procedures Board and any and all documents or other
21 records prepared by the Experimental Organ Transplantation
22 Procedures Board or its staff relating to applications it

1 has received.

2 (d) Information and records held by the Department of
3 Public Health and its authorized representatives relating
4 to known or suspected cases of sexually transmissible
5 disease or any information the disclosure of which is
6 restricted under the Illinois Sexually Transmissible
7 Disease Control Act.

8 (e) Information the disclosure of which is exempted
9 under Section 30 of the Radon Industry Licensing Act.

10 (f) Firm performance evaluations under Section 55 of
11 the Architectural, Engineering, and Land Surveying
12 Qualifications Based Selection Act.

13 (g) Information the disclosure of which is restricted
14 and exempted under Section 50 of the Illinois Prepaid
15 Tuition Act.

16 (h) Information the disclosure of which is exempted
17 under the State Officials and Employees Ethics Act, and
18 records of any lawfully created State or local inspector
19 general's office that would be exempt if created or
20 obtained by an Executive Inspector General's office under
21 that Act.

22 (i) Information contained in a local emergency energy
23 plan submitted to a municipality in accordance with a
24 local emergency energy plan ordinance that is adopted
25 under Section 11-21.5-5 of the Illinois Municipal Code.

26 (j) Information and data concerning the distribution

1 of surcharge moneys collected and remitted by carriers
2 under the Emergency Telephone System Act.

3 (k) Law enforcement officer identification information
4 or driver identification information compiled by a law
5 enforcement agency or the Department of Transportation
6 under Section 11-212 of the Illinois Vehicle Code.

7 (l) Records and information provided to a residential
8 health care facility resident sexual assault and death
9 review team or the Executive Council under the Abuse
10 Prevention Review Team Act.

11 (m) Information provided to the predatory lending
12 database created pursuant to Article 3 of the Residential
13 Real Property Disclosure Act, except to the extent
14 authorized under that Article.

15 (n) Defense budgets and petitions for certification of
16 compensation and expenses for court appointed trial
17 counsel as provided under Sections 10 and 15 of the
18 Capital Crimes Litigation Act. This subsection (n) shall
19 apply until the conclusion of the trial of the case, even
20 if the prosecution chooses not to pursue the death penalty
21 prior to trial or sentencing.

22 (o) Information that is prohibited from being
23 disclosed under Section 4 of the Illinois Health and
24 Hazardous Substances Registry Act.

25 (p) Security portions of system safety program plans,
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the
2 Department of Transportation under Sections 2705-300 and
3 2705-616 of the Department of Transportation Law of the
4 Civil Administrative Code of Illinois, the Regional
5 Transportation Authority under Section 2.11 of the
6 Regional Transportation Authority Act, or the St. Clair
7 County Transit District under the Bi-State Transit Safety
8 Act.

9 (q) Information prohibited from being disclosed by the
10 Personnel Record Review Act.

11 (r) Information prohibited from being disclosed by the
12 Illinois School Student Records Act.

13 (s) Information the disclosure of which is restricted
14 under Section 5-108 of the Public Utilities Act.

15 (t) All identified or deidentified health information
16 in the form of health data or medical records contained
17 in, stored in, submitted to, transferred by, or released
18 from the Illinois Health Information Exchange, and
19 identified or deidentified health information in the form
20 of health data and medical records of the Illinois Health
21 Information Exchange in the possession of the Illinois
22 Health Information Exchange Office due to its
23 administration of the Illinois Health Information
24 Exchange. The terms "identified" and "deidentified" shall
25 be given the same meaning as in the Health Insurance
26 Portability and Accountability Act of 1996, Public Law

1 104-191, or any subsequent amendments thereto, and any
2 regulations promulgated thereunder.

3 (u) Records and information provided to an independent
4 team of experts under the Developmental Disability and
5 Mental Health Safety Act (also known as Brian's Law).

6 (v) Names and information of people who have applied
7 for or received Firearm Owner's Identification Cards under
8 the Firearm Owners Identification Card Act or applied for
9 or received a concealed carry license under the Firearm
10 Concealed Carry Act, unless otherwise authorized by the
11 Firearm Concealed Carry Act; and databases under the
12 Firearm Concealed Carry Act, records of the Concealed
13 Carry Licensing Review Board under the Firearm Concealed
14 Carry Act, and law enforcement agency objections under the
15 Firearm Concealed Carry Act.

16 (v-5) Records of the Firearm Owner's Identification
17 Card Review Board that are exempted from disclosure under
18 Section 10 of the Firearm Owners Identification Card Act.

19 (w) Personally identifiable information which is
20 exempted from disclosure under subsection (g) of Section
21 19.1 of the Toll Highway Act.

22 (x) Information which is exempted from disclosure
23 under Section 5-1014.3 of the Counties Code or Section
24 8-11-21 of the Illinois Municipal Code.

25 (y) Confidential information under the Adult
26 Protective Services Act and its predecessor enabling

1 statute, the Elder Abuse and Neglect Act, including
2 information about the identity and administrative finding
3 against any caregiver of a verified and substantiated
4 decision of abuse, neglect, or financial exploitation of
5 an eligible adult maintained in the Registry established
6 under Section 7.5 of the Adult Protective Services Act.

7 (z) Records and information provided to a fatality
8 review team or the Illinois Fatality Review Team Advisory
9 Council under Section 15 of the Adult Protective Services
10 Act.

11 (aa) Information which is exempted from disclosure
12 under Section 2.37 of the Wildlife Code.

13 (bb) Information which is or was prohibited from
14 disclosure by the Juvenile Court Act of 1987.

15 (cc) Recordings made under the Law Enforcement
16 Officer-Worn Body Camera Act, except to the extent
17 authorized under that Act.

18 (dd) Information that is prohibited from being
19 disclosed under Section 45 of the Condominium and Common
20 Interest Community Ombudsperson Act.

21 (ee) Information that is exempted from disclosure
22 under Section 30.1 of the Pharmacy Practice Act.

23 (ff) Information that is exempted from disclosure
24 under the Revised Uniform Unclaimed Property Act.

25 (gg) Information that is prohibited from being
26 disclosed under Section 7-603.5 of the Illinois Vehicle

1 Code.

2 (hh) Records that are exempt from disclosure under
3 Section 1A-16.7 of the Election Code.

4 (ii) Information which is exempted from disclosure
5 under Section 2505-800 of the Department of Revenue Law of
6 the Civil Administrative Code of Illinois.

7 (jj) Information and reports that are required to be
8 submitted to the Department of Labor by registering day
9 and temporary labor service agencies but are exempt from
10 disclosure under subsection (a-1) of Section 45 of the Day
11 and Temporary Labor Services Act.

12 (kk) Information prohibited from disclosure under the
13 Seizure and Forfeiture Reporting Act.

14 (ll) Information the disclosure of which is restricted
15 and exempted under Section 5-30.8 of the Illinois Public
16 Aid Code.

17 (mm) Records that are exempt from disclosure under
18 Section 4.2 of the Crime Victims Compensation Act.

19 (nn) Information that is exempt from disclosure under
20 Section 70 of the Higher Education Student Assistance Act.

21 (oo) Communications, notes, records, and reports
22 arising out of a peer support counseling session
23 prohibited from disclosure under the First Responders
24 Suicide Prevention Act.

25 (pp) Names and all identifying information relating to
26 an employee of an emergency services provider or law

1 enforcement agency under the First Responders Suicide
2 Prevention Act.

3 (qq) Information and records held by the Department of
4 Public Health and its authorized representatives collected
5 under the Reproductive Health Act.

6 (rr) Information that is exempt from disclosure under
7 the Cannabis Regulation and Tax Act.

8 (ss) Data reported by an employer to the Department of
9 Human Rights pursuant to Section 2-108 of the Illinois
10 Human Rights Act.

11 (tt) Recordings made under the Children's Advocacy
12 Center Act, except to the extent authorized under that
13 Act.

14 (uu) Information that is exempt from disclosure under
15 Section 50 of the Sexual Assault Evidence Submission Act.

16 (vv) Information that is exempt from disclosure under
17 subsections (f) and (j) of Section 5-36 of the Illinois
18 Public Aid Code.

19 (ww) Information that is exempt from disclosure under
20 Section 16.8 of the State Treasurer Act.

21 (xx) Information that is exempt from disclosure or
22 information that shall not be made public under the
23 Illinois Insurance Code.

24 (yy) Information prohibited from being disclosed under
25 the Illinois Educational Labor Relations Act.

26 (zz) Information prohibited from being disclosed under

1 the Illinois Public Labor Relations Act.

2 (aaa) Information prohibited from being disclosed
3 under Section 1-167 of the Illinois Pension Code.

4 (bbb) Information that is prohibited from disclosure
5 by the Illinois Police Training Act and the Illinois State
6 Police Act.

7 (ccc) Records exempt from disclosure under Section
8 2605-304 of the Illinois State Police Law of the Civil
9 Administrative Code of Illinois.

10 (ddd) Information prohibited from being disclosed
11 under Section 35 of the Address Confidentiality for
12 Victims of Domestic Violence, Sexual Assault, Human
13 Trafficking, or Stalking Act.

14 (eee) Information prohibited from being disclosed
15 under subsection (b) of Section 75 of the Domestic
16 Violence Fatality Review Act.

17 (fff) Images from cameras under the Expressway Camera
18 Act. This subsection (fff) is inoperative on and after
19 July 1, 2023.

20 (ggg) Information prohibited from disclosure under
21 paragraph (3) of subsection (a) of Section 14 of the Nurse
22 Agency Licensing Act.

23 (hhh) Information submitted to the Illinois Department
24 ~~of~~ State Police in an affidavit or application for an
25 assault weapon endorsement, assault weapon attachment
26 endorsement, .50 caliber rifle endorsement, or .50 caliber

1 cartridge endorsement under the Firearm Owners
2 Identification Card Act.

3 (iii) Data exempt from disclosure under Section
4 2-3.196 of the School Code.

5 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
6 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
7 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
8 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
9 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
10 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
11 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
12 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
13 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised
14 2-13-23.)

15 Section 10. The School Code is amended by adding Sections
16 2-3.196 and 22-95 and by changing Sections 27A-5 and 34-18.62
17 as follows:

18 (105 ILCS 5/2-3.196 new)

19 Sec. 2-3.196. Discrimination, harassment, and retaliation
20 reporting.

21 (a) The requirements of this Section are subject to
22 appropriation.

23 (b) The State Board of Education shall build data
24 collection systems to allow the collection of data on reported

1 allegations of the conduct described in paragraph (1).
2 Beginning on August 1 of the year after the systems are
3 implemented and for each reporting school year beginning on
4 August 1 and ending on July 31 thereafter, each school
5 district, charter school, and nonpublic, nonsectarian
6 elementary or secondary school shall disclose to the State
7 Board of Education all of the following information:

8 (1) The total number of reported allegations of
9 discrimination, harassment, or retaliation against
10 students received by each school district, charter school,
11 or nonpublic, nonsectarian elementary or secondary school
12 during the reporting school year, defined as August 1 to
13 July 31, in each of the following categories:

14 (A) sexual harassment;

15 (B) discrimination or harassment on the basis of
16 race, color, or national origin;

17 (C) discrimination or harassment on the basis of
18 sex;

19 (D) discrimination or harassment on the basis of
20 religion;

21 (E) discrimination or harassment on the basis of
22 disability; and

23 (F) retaliation.

24 (2) The status of allegations, as of the last day of
25 the reporting period, in each category under paragraph
26 (1).

1 Allegations shall be reported as unfounded, founded,
2 or investigation pending by the school district, charter
3 school, or nonpublic, nonsectarian elementary or secondary
4 school.

5 (c) A school district, charter school, or nonpublic,
6 nonsectarian elementary or secondary school may not include in
7 any disclosures required under this Section any information by
8 which an individual may be personally identified, including
9 the name of the victim or victims or those accused of an act of
10 alleged discrimination, harassment, or retaliation.

11 (d) If a school district, charter school, or nonpublic,
12 nonsectarian elementary or secondary school fails to disclose
13 the information required in subsection (b) of this Section by
14 July 31 of the reporting school year, the State Board of
15 Education shall provide a written request for disclosure to
16 the school district, charter school, or nonpublic,
17 nonsectarian elementary or secondary school, thereby providing
18 the period of time in which the required information must be
19 disclosed. If a school district, charter school, or nonpublic,
20 nonsectarian elementary or secondary school fails to disclose
21 the information within 14 days after receipt of that written
22 request, the State Board of Education may petition the
23 Department of Human Rights to initiate a charge of a civil
24 rights violation pursuant to Section 5A-102 of the Illinois
25 Human Rights Act.

26 (e) The State Board of Education shall publish an annual

1 report aggregating the information reported by school
2 districts, charter schools, and nonpublic, nonsectarian
3 elementary or secondary schools under subsection (b) of this
4 Section. Data included in the report shall not be publicly
5 attributed to any individual school district, charter school,
6 or nonpublic, nonsectarian elementary or secondary school. The
7 report shall include the number of incidents reported between
8 August 1 and July 31 of the preceding reporting school year,
9 based on each of the categories identified under paragraph (1)
10 of this subsection (b).

11 The annual report shall be filed with the Department of
12 Human Rights and the General Assembly and made available to
13 the public by July 1 of the year following the reporting school
14 year. Data submitted by a school district, charter school, or
15 nonpublic, nonsectarian elementary or secondary school to
16 comply with this Section is confidential and exempt from the
17 Freedom of Information Act.

18 (f) The State Board of Education may adopt any rules
19 deemed necessary for implementation of this Section.

20 (g) This Section is repealed on July 1, 2029.

21 (105 ILCS 5/22-95 new)

22 Sec. 22-95. Policy on discrimination, harassment, and
23 retaliation; response procedures.

24 (a) As used in this Section, "policy" means either the use
25 of a singular policy or multiple policies.

1 (b) Each school district, charter school, or nonpublic,
2 nonsectarian elementary or secondary school must create,
3 implement, and maintain at least one written policy that
4 prohibits discrimination and harassment based on race, color,
5 and national origin and prohibits retaliation. The policy may
6 be included as part of a broader anti-harassment or
7 anti-discrimination policy, provided that the policy
8 prohibiting discrimination and harassment based on race,
9 color, and national origin and retaliation shall be
10 distinguished with an appropriate title, heading, or label.
11 This policy must comply with and be distributed in accordance
12 with all of the following:

13 (1) The policy must be in writing and must include at a
14 minimum, the following information:

15 (A) descriptions of various forms of
16 discrimination and harassment based on race, color,
17 and national origin, including examples;

18 (B) the school district's, charter school's, or
19 nonpublic, nonsectarian elementary or secondary
20 school's internal process for filing a complaint
21 regarding a violation of the policy described in this
22 subsection, or a reference to that process if
23 described elsewhere in policy;

24 (C) an overview of the school district's, charter
25 school's, or nonpublic, nonsectarian elementary or
26 secondary school's prevention and response program

1 pursuant to subsection (c);

2 (D) potential remedies for a violation of the
3 policy described in this subsection;

4 (E) a prohibition on retaliation for making a
5 complaint or participating in the complaint process;

6 (F) the legal recourse available through the
7 Department of Human Rights and through federal
8 agencies if a school district, charter school, or
9 nonpublic, nonsectarian elementary or secondary school
10 fails to take corrective action, or a reference to
11 that process if described elsewhere in policy; and

12 (G) directions on how to contact the Department of
13 Human Rights or a reference to those directions if
14 described elsewhere in the policy.

15 The policy shall make clear that the policy does not
16 impair or otherwise diminish the rights of unionized
17 employees under federal law, State law, or a collective
18 bargaining agreement to request an exclusive bargaining
19 representative to be present during investigator
20 interviews, nor does the policy diminish any rights
21 available under the applicable negotiated collective
22 bargaining agreement, including, but not limited to, the
23 grievance procedure.

24 (2) The policy described in this subsection shall be
25 posted in a prominent and accessible location and
26 distributed in such a manner as to ensure notice of the

1 policy to all employees. If the school district, charter
2 school, or nonpublic, nonsectarian elementary or secondary
3 school maintains an Internet website or has an employee
4 Intranet, the website or Intranet shall be considered a
5 prominent and accessible location for the purpose of this
6 paragraph (2). Posting and distribution shall be
7 effectuated by the beginning of the 2024-2025 school year
8 and shall occur annually thereafter.

9 (3) The policy described in this subsection shall be
10 published on the school district's, charter school's, or
11 nonpublic, nonsectarian elementary or secondary school's
12 Internet website, if one exists, and in a student
13 handbook, if one exists. A summary of the policy in
14 accessible, age-appropriate language shall be distributed
15 annually to students and to the parents or guardians of
16 minor students. School districts, charter schools, and
17 nonpublic, nonsectarian elementary or secondary schools
18 shall provide a summary of the policy in the parent or
19 guardian's native language. For the annual distribution of
20 the summary, inclusion of the summary in a student
21 handbook is deemed compliant.

22 (c) Each school district, charter school, and nonpublic,
23 nonsectarian elementary or secondary school must establish
24 procedures for responding to complaints of discrimination and
25 harassment based on race, color, and national origin and
26 retaliation. These procedures must comply with subsection (b)

1 of this Section. Based on these procedures, school districts,
2 charter schools, and nonpublic, nonsectarian elementary or
3 secondary schools:

4 (1) shall reduce or remove, to the extent practicable,
5 barriers to reporting discrimination, harassment, and
6 retaliation;

7 (2) shall permit any person who reports or is the
8 victim of an incident of alleged discrimination,
9 harassment, or retaliation to be accompanied when making a
10 report by a support individual of the person's choice who
11 complies with the school district's, charter school's, or
12 nonpublic, nonsectarian elementary or secondary school's
13 policies or rules;

14 (3) shall permit anonymous reporting, except that this
15 paragraph (3) may not be construed to permit formal
16 disciplinary action solely on the basis of an anonymous
17 report;

18 (4) shall offer remedial interventions or take such
19 disciplinary action as may be appropriate on a
20 case-by-case basis;

21 (5) may offer, but not require or unduly influence, a
22 person who reports or is the victim of an incident of
23 discrimination, harassment, or retaliation the option to
24 resolve allegations directly with the offender; and

25 (6) may not cause a person who reports or is the victim
26 of an incident of discrimination, harassment, or

1 retaliation to suffer adverse consequences as a result of
2 a report of, an investigation of, or a response to the
3 incident; this protection may not permit victims to engage
4 in retaliation against the offender or limit a school
5 district, charter school, or nonpublic, nonsectarian
6 elementary or secondary school from applying disciplinary
7 measures in response to other acts or conduct not related
8 to the process of reporting, investigating, or responding
9 to a report of an incident of discrimination, harassment,
10 or retaliation.

11 (105 ILCS 5/27A-5)

12 (Text of Section before amendment by P.A. 102-466 and
13 102-702)

14 Sec. 27A-5. Charter school; legal entity; requirements.

15 (a) A charter school shall be a public, nonsectarian,
16 nonreligious, non-home based, and non-profit school. A charter
17 school shall be organized and operated as a nonprofit
18 corporation or other discrete, legal, nonprofit entity
19 authorized under the laws of the State of Illinois.

20 (b) A charter school may be established under this Article
21 by creating a new school or by converting an existing public
22 school or attendance center to charter school status.
23 Beginning on April 16, 2003 (the effective date of Public Act
24 93-3), in all new applications to establish a charter school
25 in a city having a population exceeding 500,000, operation of

1 the charter school shall be limited to one campus. The changes
2 made to this Section by Public Act 93-3 do not apply to charter
3 schools existing or approved on or before April 16, 2003 (the
4 effective date of Public Act 93-3).

5 (b-5) In this subsection (b-5), "virtual-schooling" means
6 a cyber school where students engage in online curriculum and
7 instruction via the Internet and electronic communication with
8 their teachers at remote locations and with students
9 participating at different times.

10 From April 1, 2013 through December 31, 2016, there is a
11 moratorium on the establishment of charter schools with
12 virtual-schooling components in school districts other than a
13 school district organized under Article 34 of this Code. This
14 moratorium does not apply to a charter school with
15 virtual-schooling components existing or approved prior to
16 April 1, 2013 or to the renewal of the charter of a charter
17 school with virtual-schooling components already approved
18 prior to April 1, 2013.

19 (c) A charter school shall be administered and governed by
20 its board of directors or other governing body in the manner
21 provided in its charter. The governing body of a charter
22 school shall be subject to the Freedom of Information Act and
23 the Open Meetings Act. No later than January 1, 2021 (one year
24 after the effective date of Public Act 101-291), a charter
25 school's board of directors or other governing body must
26 include at least one parent or guardian of a pupil currently

1 enrolled in the charter school who may be selected through the
2 charter school or a charter network election, appointment by
3 the charter school's board of directors or other governing
4 body, or by the charter school's Parent Teacher Organization
5 or its equivalent.

6 (c-5) No later than January 1, 2021 (one year after the
7 effective date of Public Act 101-291) or within the first year
8 of his or her first term, every voting member of a charter
9 school's board of directors or other governing body shall
10 complete a minimum of 4 hours of professional development
11 leadership training to ensure that each member has sufficient
12 familiarity with the board's or governing body's role and
13 responsibilities, including financial oversight and
14 accountability of the school, evaluating the principal's and
15 school's performance, adherence to the Freedom of Information
16 Act and the Open Meetings Act, and compliance with education
17 and labor law. In each subsequent year of his or her term, a
18 voting member of a charter school's board of directors or
19 other governing body shall complete a minimum of 2 hours of
20 professional development training in these same areas. The
21 training under this subsection may be provided or certified by
22 a statewide charter school membership association or may be
23 provided or certified by other qualified providers approved by
24 the State Board of Education.

25 (d) For purposes of this subsection (d), "non-curricular
26 health and safety requirement" means any health and safety

1 requirement created by statute or rule to provide, maintain,
2 preserve, or safeguard safe or healthful conditions for
3 students and school personnel or to eliminate, reduce, or
4 prevent threats to the health and safety of students and
5 school personnel. "Non-curricular health and safety
6 requirement" does not include any course of study or
7 specialized instructional requirement for which the State
8 Board has established goals and learning standards or which is
9 designed primarily to impart knowledge and skills for students
10 to master and apply as an outcome of their education.

11 A charter school shall comply with all non-curricular
12 health and safety requirements applicable to public schools
13 under the laws of the State of Illinois. On or before September
14 1, 2015, the State Board shall promulgate and post on its
15 Internet website a list of non-curricular health and safety
16 requirements that a charter school must meet. The list shall
17 be updated annually no later than September 1. Any charter
18 contract between a charter school and its authorizer must
19 contain a provision that requires the charter school to follow
20 the list of all non-curricular health and safety requirements
21 promulgated by the State Board and any non-curricular health
22 and safety requirements added by the State Board to such list
23 during the term of the charter. Nothing in this subsection (d)
24 precludes an authorizer from including non-curricular health
25 and safety requirements in a charter school contract that are
26 not contained in the list promulgated by the State Board,

1 including non-curricular health and safety requirements of the
2 authorizing local school board.

3 (e) Except as otherwise provided in the School Code, a
4 charter school shall not charge tuition; provided that a
5 charter school may charge reasonable fees for textbooks,
6 instructional materials, and student activities.

7 (f) A charter school shall be responsible for the
8 management and operation of its fiscal affairs, including, but
9 not limited to, the preparation of its budget. An audit of each
10 charter school's finances shall be conducted annually by an
11 outside, independent contractor retained by the charter
12 school. The contractor shall not be an employee of the charter
13 school or affiliated with the charter school or its authorizer
14 in any way, other than to audit the charter school's finances.
15 To ensure financial accountability for the use of public
16 funds, on or before December 1 of every year of operation, each
17 charter school shall submit to its authorizer and the State
18 Board a copy of its audit and a copy of the Form 990 the
19 charter school filed that year with the federal Internal
20 Revenue Service. In addition, if deemed necessary for proper
21 financial oversight of the charter school, an authorizer may
22 require quarterly financial statements from each charter
23 school.

24 (g) A charter school shall comply with all provisions of
25 this Article, the Illinois Educational Labor Relations Act,
26 all federal and State laws and rules applicable to public

1 schools that pertain to special education and the instruction
2 of English learners, and its charter. A charter school is
3 exempt from all other State laws and regulations in this Code
4 governing public schools and local school board policies;
5 however, a charter school is not exempt from the following:

6 (1) Sections 10-21.9 and 34-18.5 of this Code
7 regarding criminal history records checks and checks of
8 the Statewide Sex Offender Database and Statewide Murderer
9 and Violent Offender Against Youth Database of applicants
10 for employment;

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
12 34-84a of this Code regarding discipline of students;

13 (3) the Local Governmental and Governmental Employees
14 Tort Immunity Act;

15 (4) Section 108.75 of the General Not For Profit
16 Corporation Act of 1986 regarding indemnification of
17 officers, directors, employees, and agents;

18 (5) the Abused and Neglected Child Reporting Act;

19 (5.5) subsection (b) of Section 10-23.12 and
20 subsection (b) of Section 34-18.6 of this Code;

21 (6) the Illinois School Student Records Act;

22 (7) Section 10-17a of this Code regarding school
23 report cards;

24 (8) the P-20 Longitudinal Education Data System Act;

25 (9) Section 27-23.7 of this Code regarding bullying
26 prevention;

1 (10) Section 2-3.162 of this Code regarding student
2 discipline reporting;

3 (11) Sections 22-80 and 27-8.1 of this Code;

4 (12) Sections 10-20.60 and 34-18.53 of this Code;

5 (13) Sections 10-20.63 and 34-18.56 of this Code;

6 (14) Sections 22-90 and 26-18 of this Code;

7 (15) Section 22-30 of this Code;

8 (16) Sections 24-12 and 34-85 of this Code;

9 (17) the Seizure Smart School Act;

10 (18) Section 2-3.64a-10 of this Code;

11 (19) Sections 10-20.73 and 34-21.9 of this Code;

12 (20) Section 10-22.25b of this Code;

13 (21) Section 27-9.1a of this Code;

14 (22) Section 27-9.1b of this Code;

15 (23) Section 34-18.8 of this Code;

16 (25) Section 2-3.188 of this Code;

17 (26) Section 22-85.5 of this Code;

18 (27) subsections ~~Subsections~~ (d-10), (d-15), and
19 (d-20) of Section 10-20.56 of this Code; ~~and~~

20 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~

21 (29) ~~(27)~~ Section 10-20.13 of this Code;

22 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~

23 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~

24 (33) Section 2-3.196 of this Code;

25 (34) Section 22-95 of this Code;

26 (35) Section 34-18.62 of this Code; and

1 (36) the Illinois Human Rights Act.

2 The change made by Public Act 96-104 to this subsection
3 (g) is declaratory of existing law.

4 (h) A charter school may negotiate and contract with a
5 school district, the governing body of a State college or
6 university or public community college, or any other public or
7 for-profit or nonprofit private entity for: (i) the use of a
8 school building and grounds or any other real property or
9 facilities that the charter school desires to use or convert
10 for use as a charter school site, (ii) the operation and
11 maintenance thereof, and (iii) the provision of any service,
12 activity, or undertaking that the charter school is required
13 to perform in order to carry out the terms of its charter.
14 However, a charter school that is established on or after
15 April 16, 2003 (the effective date of Public Act 93-3) and that
16 operates in a city having a population exceeding 500,000 may
17 not contract with a for-profit entity to manage or operate the
18 school during the period that commences on April 16, 2003 (the
19 effective date of Public Act 93-3) and concludes at the end of
20 the 2004-2005 school year. Except as provided in subsection
21 (i) of this Section, a school district may charge a charter
22 school reasonable rent for the use of the district's
23 buildings, grounds, and facilities. Any services for which a
24 charter school contracts with a school district shall be
25 provided by the district at cost. Any services for which a
26 charter school contracts with a local school board or with the

1 governing body of a State college or university or public
2 community college shall be provided by the public entity at
3 cost.

4 (i) In no event shall a charter school that is established
5 by converting an existing school or attendance center to
6 charter school status be required to pay rent for space that is
7 deemed available, as negotiated and provided in the charter
8 agreement, in school district facilities. However, all other
9 costs for the operation and maintenance of school district
10 facilities that are used by the charter school shall be
11 subject to negotiation between the charter school and the
12 local school board and shall be set forth in the charter.

13 (j) A charter school may limit student enrollment by age
14 or grade level.

15 (k) If the charter school is approved by the State Board or
16 Commission, then the charter school is its own local education
17 agency.

18 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
19 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
20 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
21 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
22 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
23 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813,
24 eff. 5-13-22; revised 12-13-22.)

25 (Text of Section after amendment by P.A. 102-702 but

1 before amendment by P.A. 102-466)

2 Sec. 27A-5. Charter school; legal entity; requirements.

3 (a) A charter school shall be a public, nonsectarian,
4 nonreligious, non-home based, and non-profit school. A charter
5 school shall be organized and operated as a nonprofit
6 corporation or other discrete, legal, nonprofit entity
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this Article
9 by creating a new school or by converting an existing public
10 school or attendance center to charter school status.
11 Beginning on April 16, 2003 (the effective date of Public Act
12 93-3), in all new applications to establish a charter school
13 in a city having a population exceeding 500,000, operation of
14 the charter school shall be limited to one campus. The changes
15 made to this Section by Public Act 93-3 do not apply to charter
16 schools existing or approved on or before April 16, 2003 (the
17 effective date of Public Act 93-3).

18 (b-5) In this subsection (b-5), "virtual-schooling" means
19 a cyber school where students engage in online curriculum and
20 instruction via the Internet and electronic communication with
21 their teachers at remote locations and with students
22 participating at different times.

23 From April 1, 2013 through December 31, 2016, there is a
24 moratorium on the establishment of charter schools with
25 virtual-schooling components in school districts other than a
26 school district organized under Article 34 of this Code. This

1 moratorium does not apply to a charter school with
2 virtual-schooling components existing or approved prior to
3 April 1, 2013 or to the renewal of the charter of a charter
4 school with virtual-schooling components already approved
5 prior to April 1, 2013.

6 (c) A charter school shall be administered and governed by
7 its board of directors or other governing body in the manner
8 provided in its charter. The governing body of a charter
9 school shall be subject to the Freedom of Information Act and
10 the Open Meetings Act. No later than January 1, 2021 (one year
11 after the effective date of Public Act 101-291), a charter
12 school's board of directors or other governing body must
13 include at least one parent or guardian of a pupil currently
14 enrolled in the charter school who may be selected through the
15 charter school or a charter network election, appointment by
16 the charter school's board of directors or other governing
17 body, or by the charter school's Parent Teacher Organization
18 or its equivalent.

19 (c-5) No later than January 1, 2021 (one year after the
20 effective date of Public Act 101-291) or within the first year
21 of his or her first term, every voting member of a charter
22 school's board of directors or other governing body shall
23 complete a minimum of 4 hours of professional development
24 leadership training to ensure that each member has sufficient
25 familiarity with the board's or governing body's role and
26 responsibilities, including financial oversight and

1 accountability of the school, evaluating the principal's and
2 school's performance, adherence to the Freedom of Information
3 Act and the Open Meetings Act, and compliance with education
4 and labor law. In each subsequent year of his or her term, a
5 voting member of a charter school's board of directors or
6 other governing body shall complete a minimum of 2 hours of
7 professional development training in these same areas. The
8 training under this subsection may be provided or certified by
9 a statewide charter school membership association or may be
10 provided or certified by other qualified providers approved by
11 the State Board of Education.

12 (d) For purposes of this subsection (d), "non-curricular
13 health and safety requirement" means any health and safety
14 requirement created by statute or rule to provide, maintain,
15 preserve, or safeguard safe or healthful conditions for
16 students and school personnel or to eliminate, reduce, or
17 prevent threats to the health and safety of students and
18 school personnel. "Non-curricular health and safety
19 requirement" does not include any course of study or
20 specialized instructional requirement for which the State
21 Board has established goals and learning standards or which is
22 designed primarily to impart knowledge and skills for students
23 to master and apply as an outcome of their education.

24 A charter school shall comply with all non-curricular
25 health and safety requirements applicable to public schools
26 under the laws of the State of Illinois. On or before September

1 1, 2015, the State Board shall promulgate and post on its
2 Internet website a list of non-curricular health and safety
3 requirements that a charter school must meet. The list shall
4 be updated annually no later than September 1. Any charter
5 contract between a charter school and its authorizer must
6 contain a provision that requires the charter school to follow
7 the list of all non-curricular health and safety requirements
8 promulgated by the State Board and any non-curricular health
9 and safety requirements added by the State Board to such list
10 during the term of the charter. Nothing in this subsection (d)
11 precludes an authorizer from including non-curricular health
12 and safety requirements in a charter school contract that are
13 not contained in the list promulgated by the State Board,
14 including non-curricular health and safety requirements of the
15 authorizing local school board.

16 (e) Except as otherwise provided in the School Code, a
17 charter school shall not charge tuition; provided that a
18 charter school may charge reasonable fees for textbooks,
19 instructional materials, and student activities.

20 (f) A charter school shall be responsible for the
21 management and operation of its fiscal affairs, including, but
22 not limited to, the preparation of its budget. An audit of each
23 charter school's finances shall be conducted annually by an
24 outside, independent contractor retained by the charter
25 school. The contractor shall not be an employee of the charter
26 school or affiliated with the charter school or its authorizer

1 in any way, other than to audit the charter school's finances.
2 To ensure financial accountability for the use of public
3 funds, on or before December 1 of every year of operation, each
4 charter school shall submit to its authorizer and the State
5 Board a copy of its audit and a copy of the Form 990 the
6 charter school filed that year with the federal Internal
7 Revenue Service. In addition, if deemed necessary for proper
8 financial oversight of the charter school, an authorizer may
9 require quarterly financial statements from each charter
10 school.

11 (g) A charter school shall comply with all provisions of
12 this Article, the Illinois Educational Labor Relations Act,
13 all federal and State laws and rules applicable to public
14 schools that pertain to special education and the instruction
15 of English learners, and its charter. A charter school is
16 exempt from all other State laws and regulations in this Code
17 governing public schools and local school board policies;
18 however, a charter school is not exempt from the following:

19 (1) Sections 10-21.9 and 34-18.5 of this Code
20 regarding criminal history records checks and checks of
21 the Statewide Sex Offender Database and Statewide Murderer
22 and Violent Offender Against Youth Database of applicants
23 for employment;

24 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
25 34-84a of this Code regarding discipline of students;

26 (3) the Local Governmental and Governmental Employees

1 Tort Immunity Act;

2 (4) Section 108.75 of the General Not For Profit
3 Corporation Act of 1986 regarding indemnification of
4 officers, directors, employees, and agents;

5 (5) the Abused and Neglected Child Reporting Act;

6 (5.5) subsection (b) of Section 10-23.12 and
7 subsection (b) of Section 34-18.6 of this Code;

8 (6) the Illinois School Student Records Act;

9 (7) Section 10-17a of this Code regarding school
10 report cards;

11 (8) the P-20 Longitudinal Education Data System Act;

12 (9) Section 27-23.7 of this Code regarding bullying
13 prevention;

14 (10) Section 2-3.162 of this Code regarding student
15 discipline reporting;

16 (11) Sections 22-80 and 27-8.1 of this Code;

17 (12) Sections 10-20.60 and 34-18.53 of this Code;

18 (13) Sections 10-20.63 and 34-18.56 of this Code;

19 (14) Sections 22-90 and 26-18 of this Code;

20 (15) Section 22-30 of this Code;

21 (16) Sections 24-12 and 34-85 of this Code;

22 (17) the Seizure Smart School Act;

23 (18) Section 2-3.64a-10 of this Code;

24 (19) Sections 10-20.73 and 34-21.9 of this Code;

25 (20) Section 10-22.25b of this Code;

26 (21) Section 27-9.1a of this Code;

- 1 (22) Section 27-9.1b of this Code;
- 2 (23) Section 34-18.8 of this Code; ~~and~~
- 3 (25) Section 2-3.188 of this Code;
- 4 (26) Section 22-85.5 of this Code;
- 5 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 6 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 7 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
- 8 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 9 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 10 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
- 11 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~and~~
- 12 (33) Section 2-3.196 of this Code;
- 13 (34) Section 22-95 of this Code;
- 14 (35) Section 34-18.62 of this Code; and
- 15 (36) the Illinois Human Rights Act.

16 The change made by Public Act 96-104 to this subsection
17 (g) is declaratory of existing law.

18 (h) A charter school may negotiate and contract with a
19 school district, the governing body of a State college or
20 university or public community college, or any other public or
21 for-profit or nonprofit private entity for: (i) the use of a
22 school building and grounds or any other real property or
23 facilities that the charter school desires to use or convert
24 for use as a charter school site, (ii) the operation and
25 maintenance thereof, and (iii) the provision of any service,
26 activity, or undertaking that the charter school is required

1 to perform in order to carry out the terms of its charter.
2 However, a charter school that is established on or after
3 April 16, 2003 (the effective date of Public Act 93-3) and that
4 operates in a city having a population exceeding 500,000 may
5 not contract with a for-profit entity to manage or operate the
6 school during the period that commences on April 16, 2003 (the
7 effective date of Public Act 93-3) and concludes at the end of
8 the 2004-2005 school year. Except as provided in subsection
9 (i) of this Section, a school district may charge a charter
10 school reasonable rent for the use of the district's
11 buildings, grounds, and facilities. Any services for which a
12 charter school contracts with a school district shall be
13 provided by the district at cost. Any services for which a
14 charter school contracts with a local school board or with the
15 governing body of a State college or university or public
16 community college shall be provided by the public entity at
17 cost.

18 (i) In no event shall a charter school that is established
19 by converting an existing school or attendance center to
20 charter school status be required to pay rent for space that is
21 deemed available, as negotiated and provided in the charter
22 agreement, in school district facilities. However, all other
23 costs for the operation and maintenance of school district
24 facilities that are used by the charter school shall be
25 subject to negotiation between the charter school and the
26 local school board and shall be set forth in the charter.

1 (j) A charter school may limit student enrollment by age
2 or grade level.

3 (k) If the charter school is approved by the State Board or
4 Commission, then the charter school is its own local education
5 agency.

6 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
7 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
8 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
9 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
10 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
11 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,
12 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

13 (Text of Section after amendment by P.A. 102-466)

14 Sec. 27A-5. Charter school; legal entity; requirements.

15 (a) A charter school shall be a public, nonsectarian,
16 nonreligious, non-home based, and non-profit school. A charter
17 school shall be organized and operated as a nonprofit
18 corporation or other discrete, legal, nonprofit entity
19 authorized under the laws of the State of Illinois.

20 (b) A charter school may be established under this Article
21 by creating a new school or by converting an existing public
22 school or attendance center to charter school status.
23 Beginning on April 16, 2003 (the effective date of Public Act
24 93-3), in all new applications to establish a charter school
25 in a city having a population exceeding 500,000, operation of

1 the charter school shall be limited to one campus. The changes
2 made to this Section by Public Act 93-3 do not apply to charter
3 schools existing or approved on or before April 16, 2003 (the
4 effective date of Public Act 93-3).

5 (b-5) In this subsection (b-5), "virtual-schooling" means
6 a cyber school where students engage in online curriculum and
7 instruction via the Internet and electronic communication with
8 their teachers at remote locations and with students
9 participating at different times.

10 From April 1, 2013 through December 31, 2016, there is a
11 moratorium on the establishment of charter schools with
12 virtual-schooling components in school districts other than a
13 school district organized under Article 34 of this Code. This
14 moratorium does not apply to a charter school with
15 virtual-schooling components existing or approved prior to
16 April 1, 2013 or to the renewal of the charter of a charter
17 school with virtual-schooling components already approved
18 prior to April 1, 2013.

19 (c) A charter school shall be administered and governed by
20 its board of directors or other governing body in the manner
21 provided in its charter. The governing body of a charter
22 school shall be subject to the Freedom of Information Act and
23 the Open Meetings Act. No later than January 1, 2021 (one year
24 after the effective date of Public Act 101-291), a charter
25 school's board of directors or other governing body must
26 include at least one parent or guardian of a pupil currently

1 enrolled in the charter school who may be selected through the
2 charter school or a charter network election, appointment by
3 the charter school's board of directors or other governing
4 body, or by the charter school's Parent Teacher Organization
5 or its equivalent.

6 (c-5) No later than January 1, 2021 (one year after the
7 effective date of Public Act 101-291) or within the first year
8 of his or her first term, every voting member of a charter
9 school's board of directors or other governing body shall
10 complete a minimum of 4 hours of professional development
11 leadership training to ensure that each member has sufficient
12 familiarity with the board's or governing body's role and
13 responsibilities, including financial oversight and
14 accountability of the school, evaluating the principal's and
15 school's performance, adherence to the Freedom of Information
16 Act and the Open Meetings Act, and compliance with education
17 and labor law. In each subsequent year of his or her term, a
18 voting member of a charter school's board of directors or
19 other governing body shall complete a minimum of 2 hours of
20 professional development training in these same areas. The
21 training under this subsection may be provided or certified by
22 a statewide charter school membership association or may be
23 provided or certified by other qualified providers approved by
24 the State Board of Education.

25 (d) For purposes of this subsection (d), "non-curricular
26 health and safety requirement" means any health and safety

1 requirement created by statute or rule to provide, maintain,
2 preserve, or safeguard safe or healthful conditions for
3 students and school personnel or to eliminate, reduce, or
4 prevent threats to the health and safety of students and
5 school personnel. "Non-curricular health and safety
6 requirement" does not include any course of study or
7 specialized instructional requirement for which the State
8 Board has established goals and learning standards or which is
9 designed primarily to impart knowledge and skills for students
10 to master and apply as an outcome of their education.

11 A charter school shall comply with all non-curricular
12 health and safety requirements applicable to public schools
13 under the laws of the State of Illinois. On or before September
14 1, 2015, the State Board shall promulgate and post on its
15 Internet website a list of non-curricular health and safety
16 requirements that a charter school must meet. The list shall
17 be updated annually no later than September 1. Any charter
18 contract between a charter school and its authorizer must
19 contain a provision that requires the charter school to follow
20 the list of all non-curricular health and safety requirements
21 promulgated by the State Board and any non-curricular health
22 and safety requirements added by the State Board to such list
23 during the term of the charter. Nothing in this subsection (d)
24 precludes an authorizer from including non-curricular health
25 and safety requirements in a charter school contract that are
26 not contained in the list promulgated by the State Board,

1 including non-curricular health and safety requirements of the
2 authorizing local school board.

3 (e) Except as otherwise provided in the School Code, a
4 charter school shall not charge tuition; provided that a
5 charter school may charge reasonable fees for textbooks,
6 instructional materials, and student activities.

7 (f) A charter school shall be responsible for the
8 management and operation of its fiscal affairs, including, but
9 not limited to, the preparation of its budget. An audit of each
10 charter school's finances shall be conducted annually by an
11 outside, independent contractor retained by the charter
12 school. The contractor shall not be an employee of the charter
13 school or affiliated with the charter school or its authorizer
14 in any way, other than to audit the charter school's finances.
15 To ensure financial accountability for the use of public
16 funds, on or before December 1 of every year of operation, each
17 charter school shall submit to its authorizer and the State
18 Board a copy of its audit and a copy of the Form 990 the
19 charter school filed that year with the federal Internal
20 Revenue Service. In addition, if deemed necessary for proper
21 financial oversight of the charter school, an authorizer may
22 require quarterly financial statements from each charter
23 school.

24 (g) A charter school shall comply with all provisions of
25 this Article, the Illinois Educational Labor Relations Act,
26 all federal and State laws and rules applicable to public

1 schools that pertain to special education and the instruction
2 of English learners, and its charter. A charter school is
3 exempt from all other State laws and regulations in this Code
4 governing public schools and local school board policies;
5 however, a charter school is not exempt from the following:

6 (1) Sections 10-21.9 and 34-18.5 of this Code
7 regarding criminal history records checks and checks of
8 the Statewide Sex Offender Database and Statewide Murderer
9 and Violent Offender Against Youth Database of applicants
10 for employment;

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
12 34-84a of this Code regarding discipline of students;

13 (3) the Local Governmental and Governmental Employees
14 Tort Immunity Act;

15 (4) Section 108.75 of the General Not For Profit
16 Corporation Act of 1986 regarding indemnification of
17 officers, directors, employees, and agents;

18 (5) the Abused and Neglected Child Reporting Act;

19 (5.5) subsection (b) of Section 10-23.12 and
20 subsection (b) of Section 34-18.6 of this Code;

21 (6) the Illinois School Student Records Act;

22 (7) Section 10-17a of this Code regarding school
23 report cards;

24 (8) the P-20 Longitudinal Education Data System Act;

25 (9) Section 27-23.7 of this Code regarding bullying
26 prevention;

- 1 (10) Section 2-3.162 of this Code regarding student
2 discipline reporting;
- 3 (11) Sections 22-80 and 27-8.1 of this Code;
- 4 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 5 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 6 (14) Sections 22-90 and 26-18 of this Code;
- 7 (15) Section 22-30 of this Code;
- 8 (16) Sections 24-12 and 34-85 of this Code;
- 9 (17) the Seizure Smart School Act;
- 10 (18) Section 2-3.64a-10 of this Code;
- 11 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 12 (20) Section 10-22.25b of this Code;
- 13 (21) Section 27-9.1a of this Code;
- 14 (22) Section 27-9.1b of this Code;
- 15 (23) Section 34-18.8 of this Code;
- 16 (24) Article 26A of this Code; ~~and~~
- 17 (25) Section 2-3.188 of this Code;
- 18 (26) Section 22-85.5 of this Code;
- 19 (27) subsections ~~Subsections~~ (d-10), (d-15), and
20 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 21 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~i-~~
- 22 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 23 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 24 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~-~~
- 25 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~i-~~
- 26 (33) Section 2-3.196 of this Code;

1 (34) Section 22-95 of this Code;

2 (35) Section 34-18.62 of this Code; and

3 (36) the Illinois Human Rights Act.

4 The change made by Public Act 96-104 to this subsection
5 (g) is declaratory of existing law.

6 (h) A charter school may negotiate and contract with a
7 school district, the governing body of a State college or
8 university or public community college, or any other public or
9 for-profit or nonprofit private entity for: (i) the use of a
10 school building and grounds or any other real property or
11 facilities that the charter school desires to use or convert
12 for use as a charter school site, (ii) the operation and
13 maintenance thereof, and (iii) the provision of any service,
14 activity, or undertaking that the charter school is required
15 to perform in order to carry out the terms of its charter.
16 However, a charter school that is established on or after
17 April 16, 2003 (the effective date of Public Act 93-3) and that
18 operates in a city having a population exceeding 500,000 may
19 not contract with a for-profit entity to manage or operate the
20 school during the period that commences on April 16, 2003 (the
21 effective date of Public Act 93-3) and concludes at the end of
22 the 2004-2005 school year. Except as provided in subsection
23 (i) of this Section, a school district may charge a charter
24 school reasonable rent for the use of the district's
25 buildings, grounds, and facilities. Any services for which a
26 charter school contracts with a school district shall be

1 provided by the district at cost. Any services for which a
2 charter school contracts with a local school board or with the
3 governing body of a State college or university or public
4 community college shall be provided by the public entity at
5 cost.

6 (i) In no event shall a charter school that is established
7 by converting an existing school or attendance center to
8 charter school status be required to pay rent for space that is
9 deemed available, as negotiated and provided in the charter
10 agreement, in school district facilities. However, all other
11 costs for the operation and maintenance of school district
12 facilities that are used by the charter school shall be
13 subject to negotiation between the charter school and the
14 local school board and shall be set forth in the charter.

15 (j) A charter school may limit student enrollment by age
16 or grade level.

17 (k) If the charter school is approved by the State Board or
18 Commission, then the charter school is its own local education
19 agency.

20 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
21 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
22 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
23 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
24 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
25 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702,
26 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;

1 revised 12-13-22.)

2 (105 ILCS 5/34-18.62)

3 Sec. 34-18.62. Policies ~~Policy~~ on discrimination and
4 ~~sexual~~ harassment; prevention and response program.

5 (a) The school district must create, maintain, and
6 implement an age-appropriate policy on sexual harassment that
7 must be posted on the school district's website and, if
8 applicable, any other area where policies, rules, and
9 standards of conduct are currently posted in each school and
10 must also be included in the school district's student code of
11 conduct handbook.

12 (b) The school district must create, maintain, and
13 implement a policy or policies prohibiting discrimination and
14 harassment based on race, color, and national origin and
15 prohibiting retaliation. Such policy or policies may be
16 included as part of a broader anti-harassment or
17 anti-discrimination policy provided they are distinguished
18 with an appropriate title, heading, or label. The policy or
19 policies adopted under this subsection (b) must comply with
20 and be distributed in accordance with subsection (b) of
21 Section 22-95 of this Code.

22 (c) The school district must establish procedures for
23 responding to complaints of discrimination and harassment
24 based on race, color, and national origin, and retaliation.
25 These procedures must comply with subsection (c) of Section

1 22-95 of this Code.

2 (Source: P.A. 101-418, eff. 1-1-20; 102-558, eff. 8-20-21.)

3 Section 15. The Illinois Human Rights Act is amended by
4 changing Sections 1-102, 5-102.2, 5A-101, 5A-102, and 6-101
5 and by adding Sections 5A-103 and 5A-104 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 Sec. 1-102. Declaration of Policy. It is the public
8 policy of this State:

9 (A) Freedom from Unlawful Discrimination. To secure for
10 all individuals within Illinois the freedom from
11 discrimination based on ~~against any individual because of his~~
12 ~~or her~~ race, color, religion, sex, national origin, ancestry,
13 age, order of protection status, marital status, physical or
14 mental disability, military status, sexual orientation,
15 pregnancy, or unfavorable discharge from military service in
16 connection with employment, real estate transactions, access
17 to financial credit, and the availability of public
18 accommodations, including in elementary, secondary, and higher
19 education.

20 (B) Freedom from Sexual Harassment-Employment and
21 Elementary, Secondary, and Higher Education. To prevent sexual
22 harassment in employment and sexual harassment in elementary,
23 secondary, and higher education.

24 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on
2 citizenship status in employment.

3 (C-5) Freedom from Discrimination Based on Work
4 Authorization Status-Employment. To prevent discrimination
5 based on the specific status or term of status that
6 accompanies a legal work authorization.

7 (D) Freedom from Discrimination Based on Familial Status
8 or Source of Income-Real Estate Transactions. To prevent
9 discrimination based on familial status or source of income in
10 real estate transactions.

11 (E) Public Health, Welfare and Safety. To promote the
12 public health, welfare and safety by protecting the interest
13 of all people in Illinois in maintaining personal dignity, in
14 realizing their full productive capacities, and in furthering
15 their interests, rights and privileges as citizens of this
16 State.

17 (F) Implementation of Constitutional Guarantees. To secure
18 and guarantee the rights established by Sections 17, 18 and 19
19 of Article I of the Illinois Constitution of 1970.

20 (G) Equal Opportunity, Affirmative Action. To establish
21 Equal Opportunity and Affirmative Action as the policies of
22 this State in all of its decisions, programs and activities,
23 and to assure that all State departments, boards, commissions
24 and instrumentalities rigorously take affirmative action to
25 provide equality of opportunity and eliminate the effects of
26 past discrimination in the internal affairs of State

1 government and in their relations with the public.

2 (H) Unfounded Charges. To protect citizens of this State
3 against unfounded charges of prohibited unlawful
4 discrimination, sexual harassment in employment, real estate
5 transactions, financial credit, and public accommodations,
6 including and sexual harassment in elementary, secondary, and
7 higher education, and discrimination based on citizenship
8 status or work authorization status in employment.

9 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

10 (775 ILCS 5/5-102.2)

11 Sec. 5-102.2. Jurisdiction limited. In regard to places of
12 public accommodation defined in paragraph (11) of Section
13 5-101, ~~the jurisdiction under this Article of the Department~~
14 is limited to: (1) the failure to enroll an individual; (2) the
15 denial or refusal of full and equal enjoyment of facilities,
16 goods, or services; or (3) severe or pervasive harassment of
17 an individual when the covered entity fails to take corrective
18 action to stop the severe or pervasive harassment. This
19 limitation on jurisdiction set forth in this Section does not
20 apply to civil rights violations under Article 2, 3, 4, 5A, or
21 6.

22 (Source: P.A. 102-1102, eff. 1-1-23.)

23 (775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)

24 Sec. 5A-101. Definitions. The following definitions are

1 applicable strictly in the content of this Article, except
2 that the term "sexual harassment in elementary, secondary, and
3 higher education" as defined herein has the meaning herein
4 ascribed to it whenever that term is used anywhere in this Act.

5 (A) Institution of Elementary, Secondary, or Higher
6 Education. "Institution of elementary, secondary, or higher
7 education" means: (1) a publicly or privately operated
8 university, college, community college, junior college,
9 business or vocational school, or other educational
10 institution offering degrees and instruction beyond the
11 secondary school level; or (2) a publicly or privately
12 operated elementary school or secondary school.

13 (B) Degree. "Degree" means: (1) a designation,
14 appellation, series of letters or words or other symbols which
15 signifies or purports to signify that the recipient thereof
16 has satisfactorily completed an organized academic, business
17 or vocational program of study offered beyond the secondary
18 school level; or (2) a designation signifying that the
19 recipient has graduated from an elementary school or secondary
20 school.

21 (C) Student. "Student" means any individual admitted to or
22 applying for admission to an institution of elementary,
23 secondary, or higher education, or enrolled on a full or part
24 time basis in a course or program of academic, business or
25 vocational instruction offered by or through an institution of
26 elementary, secondary, or higher education.

1 (D) Elementary, Secondary, or Higher Education
2 Representative. "Elementary, secondary, or higher education
3 representative" means and includes the president, chancellor
4 or other holder of any executive office on the administrative
5 staff of an institution of higher education, an administrator
6 of an elementary school or secondary school, a member of the
7 faculty of an institution of higher education, including but
8 not limited to a dean or associate or assistant dean, a
9 professor or associate or assistant professor, and a full or
10 part time instructor or visiting professor, including a
11 graduate assistant or other student who is employed on a
12 temporary basis of less than full time as a teacher or
13 instructor of any course or program of academic, business or
14 vocational instruction offered by or through an institution of
15 higher education, and any teacher, instructor, or other
16 employee of an elementary school or secondary school.

17 (E) Sexual Harassment in Elementary, Secondary, and Higher
18 Education. "Sexual harassment in elementary, secondary, and
19 higher education" means any unwelcome sexual advances or
20 requests for sexual favors made by an elementary, secondary,
21 or higher education representative to a student, or any
22 conduct of a sexual nature exhibited by an elementary,
23 secondary, or higher education representative toward a
24 student, when such conduct has the purpose of substantially
25 interfering with the student's educational performance or
26 creating an intimidating, hostile or offensive educational

1 environment; or when the elementary, secondary, or higher
2 education representative either explicitly or implicitly makes
3 the student's submission to such conduct a term or condition
4 of, or uses the student's submission to or rejection of such
5 conduct as a basis for determining:

6 (1) Whether the student will be admitted to an
7 institution of elementary, secondary, or higher education;

8 (2) The educational performance required or expected
9 of the student;

10 (3) The attendance or assignment requirements
11 applicable to the student;

12 (4) To what courses, fields of study or programs,
13 including honors and graduate programs, the student will
14 be admitted;

15 (5) What placement or course proficiency requirements
16 are applicable to the student;

17 (6) The quality of instruction the student will
18 receive;

19 (7) What tuition or fee requirements are applicable to
20 the student;

21 (8) What scholarship opportunities are available to
22 the student;

23 (9) What extracurricular teams the student will be a
24 member of or in what extracurricular competitions the
25 student will participate;

26 (10) Any grade the student will receive in any

1 examination or in any course or program of instruction in
2 which the student is enrolled;

3 (11) The progress of the student toward successful
4 completion of or graduation from any course or program of
5 instruction in which the student is enrolled; or

6 (12) What degree, if any, the student will receive.

7 (F) Harassment in Elementary, Secondary, or Higher
8 Education. "Harassment in elementary, secondary, or higher
9 education" means any unwelcome conduct by an elementary,
10 secondary or higher education representative toward a student
11 on the basis of a student's actual or perceived race, color,
12 religion, national origin, ancestry, age, sex, marital status,
13 order of protection status, disability, military status,
14 sexual orientation, pregnancy, or unfavorable discharge from
15 military service that has the purpose or effect of
16 substantially interfering with a student's educational
17 performance or creating an intimidating, hostile, or offensive
18 educational environment.

19 (G) Educational Environment. "Educational environment"
20 includes conduct that occurs at school, school-related
21 activities, or events, and may include conduct that occurs off
22 school grounds, subject to applicable State and federal law.

23 (Source: P.A. 96-1319, eff. 7-27-10.)

24 (775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

25 Sec. 5A-102. Civil Rights Violations-Elementary,

1 Secondary, and Higher Education. It is a civil rights
2 violation:

3 (A) Sexual Harassment; Elementary ~~Elementary~~,
4 Secondary, or Higher Education Representative. For any
5 elementary, secondary, or higher education representative
6 to commit or engage in sexual harassment in elementary,
7 secondary, or higher education.

8 (B) Sexual Harassment; Institution ~~Institution~~ of
9 Elementary, Secondary, or Higher Education. For any
10 institution of elementary, secondary, or higher education
11 to fail to take remedial action, or to fail to take
12 appropriate disciplinary action against an elementary,
13 secondary, or higher education representative employed by
14 such institution, when such institution knows that such
15 elementary, secondary, or higher education representative
16 was committing or engaging in or committed or engaged in
17 sexual harassment in elementary, secondary, or higher
18 education.

19 (C) Harassment; Elementary, Secondary, or Higher
20 Education Representative. For any elementary, secondary,
21 or higher education representative to commit or engage in
22 harassment in elementary, secondary, or higher education.

23 (D) Harassment; Institution of Elementary, Secondary,
24 or Higher Education. For any institution of elementary,
25 secondary, or higher education to fail to take appropriate
26 corrective action to stop harassment if the institution

1 knows that an elementary, secondary, or higher education
2 representative was committing or engaging in or committed
3 or engaged in harassment in elementary, secondary, or
4 higher education.

5 (E) Failure to Report. For any school district
6 established under the School Code or institutions of
7 elementary or secondary education covered by this Act to
8 fail to disclose information as required by Section
9 2-3.196 of the School Code.

10 (F) Exemptions. Nothing in Article 5A shall be
11 construed to limit jurisdiction under Section 5-102.2.
12 Subsections (C), (D), and (E) shall apply solely to
13 nonsectarian institutions of elementary, secondary or
14 higher education and elementary, secondary, or higher
15 education representatives employed by such nonsectarian
16 institutions.

17 (Source: P.A. 96-574, eff. 8-18-09; 96-1319, eff. 7-27-10.)

18 (775 ILCS 5/5A-103 new)

19 Sec. 5A-103. Discrimination and harassment based on race,
20 color, or national origin; and retaliation.

21 (a) The General Assembly finds that harassment and
22 discrimination based on race, color, or national origin has a
23 detrimental influence in schools, contributing to
24 psychological and physical harm and poorer academic outcomes
25 for students of color, and higher rates of teacher turnover

1 among teachers of color. It is the General Assembly's intent
2 that each institution of elementary and secondary education in
3 the State adopt and actively implement policies to reduce and
4 respond effectively to harassment and discrimination based on
5 race, color, and national origin; to provide students, parents
6 or guardians, and employees information on how to recognize
7 and report harassment and discrimination; and, for students,
8 parents or guardians, and employees, to report harassment and
9 discrimination based on race, color, or national origin
10 without fear of retaliation, loss of status, or loss of
11 opportunities.

12 (b) The Department shall produce a model training program
13 aimed at the prevention of discrimination and harassment based
14 on race, color, and national origin in institutions of
15 elementary and secondary education. The model program shall be
16 made available to institutions of elementary and secondary
17 education and to the public online at no cost. This model
18 program shall regard participants as potential bystanders,
19 rather than potential offenders, and include, at a minimum,
20 the following:

21 (1) a primary focus on preventing discrimination and
22 harassment based on race, color, and national origin and
23 retaliation;

24 (2) an explanation of discrimination and harassment
25 based on race, color, and national origin and retaliation;

26 (3) examples of conduct that constitutes

1 discrimination and harassment based on race, color, and
2 national origin and retaliation;

3 (4) an explanation, with examples, of how patterns of
4 conduct can, taken together over time, rise to the level
5 of bullying, harassment, or discrimination;

6 (5) an explanation of the difference between
7 discrimination based on disparate treatment and
8 discrimination based on disparate impact;

9 (6) a summary of other classes that are protected from
10 harassment and discrimination, and a statement that
11 training intended to improve recognition of discrimination
12 and harassment based on race, color, and national origin
13 does not diminish protections under the law for other
14 protected classes;

15 (7) an explanation of the difference between
16 harassment as defined under this Act and bullying;

17 (8) a summary of relevant federal and State statutory
18 protections and remedies available to victims concerning
19 discrimination and harassment based on race, color, and
20 national origin, and retaliation, including, but not
21 limited to, a summary of this Act's protections from
22 discrimination, harassment and retaliation in the
23 following contexts:

24 (a) students toward other students;

25 (b) teachers and other employees of an elementary
26 or secondary school toward students;

1 (c) students toward teachers and other employees
2 of an elementary or secondary school; and

3 (d) teachers and other employees of an elementary
4 or secondary school toward other teachers and
5 employees of an elementary or secondary school.

6 (9) directions on how to contact the Department if a
7 school fails to take corrective action to stop the
8 harassment or discrimination;

9 (10) a summary of responsibilities of institutions of
10 elementary or secondary education in the prevention,
11 investigation, and corrective measures of discrimination,
12 harassment, and retaliation, including, but not limited
13 to, explanation of responsibilities in the following
14 contexts:

15 (a) students toward other students;

16 (b) teachers and other employees of an elementary
17 or secondary school toward students;

18 (c) students toward teachers and other employees
19 of an elementary or secondary school; and

20 (d) teachers and other employees of an elementary
21 or secondary school toward other teachers and
22 employees of an elementary or secondary school; and

23 (11) an explanation of the liability for
24 discrimination, harassment, and retaliation under this
25 Act.

26 (c) Every institution of elementary or secondary education

1 in this State shall use the model training program developed
2 by the Department, establish its own training program that
3 equals or exceeds the minimum standards set forth in
4 subsection (b), or use an existing discrimination and
5 harassment prevention training program that equals or exceeds
6 the minimum standards set forth in subsection (b). The
7 training program shall be provided as a component of all new
8 employee training programs for elementary and secondary
9 education representatives and to existing representatives at
10 least once every 2 years. For the purposes of satisfying the
11 requirements under this Section, the Department's model
12 program may be used to supplement any existing program an
13 institution of elementary or secondary education is utilizing
14 or develops.

15 (d) Upon notification of a violation of subsection (c),
16 the Department may launch a preliminary investigation. If the
17 Department finds a violation of this Section, the Department
18 may issue a notice to show cause, giving the institution of
19 elementary or secondary education 30 days to correct the
20 violation. If the institution of elementary or secondary
21 education does not correct the violation within 30 days, the
22 Department may initiate a charge of a civil rights violation.

23 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

24 Sec. 6-101. Additional civil rights violations under
25 Articles 2, 4, 5, ~~and 5A,~~ and 6. It is a civil rights violation

1 for a person, or for 2 or more persons, to conspire to:

2 (A) Retaliation. Retaliate against a person because
3 that person ~~he or she~~ has:

4 (i) opposed or reported conduct that the person
5 ~~that which he or she~~ reasonably and in good faith
6 believes to be prohibited ~~unlawful discrimination,~~
7 ~~sexual harassment in employment, sexual harassment in~~
8 ~~elementary, secondary, and higher education, or~~
9 ~~discrimination based on arrest record, citizenship~~
10 ~~status, or work authorization status in employment~~
11 under Articles 2, 4, 5, and 5A, and 6; ~~because he or~~
12 ~~she has~~

13 (ii) made a charge, filed a complaint, testified,
14 assisted, or participated in an investigation,
15 proceeding, or hearing under this Act; ~~or, or because~~
16 ~~he or she has~~

17 (iii) requested, attempted to request, used, or
18 attempted to use a reasonable accommodation as allowed
19 by this Act;

20 (B) Aiding and Abetting; Coercion. Aid, abet, compel,
21 or coerce a person to commit any violation of this Act;

22 (C) Interference. Wilfully interfere with the
23 performance of a duty or the exercise of a power by the
24 Commission or one of its members or representatives or the
25 Department or one of its officers or employees.

26 ~~Definitions. For the purposes of this Section, "sexual~~

1 ~~harassment", "citizenship status", and "work authorization~~
2 ~~status" shall have the same meaning as defined in Section~~
3 ~~2-101 of this Act.~~

4 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;
5 102-813, eff. 5-13-22.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect August
14 1, 2024.